

## REMARKS

Upon entry of the present amendment, claims 1-22 will have been amended, while claims 23-33 will have been submitted for consideration by the Examiner.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection set forth in the above-mentioned Official Action, together with an indication of the allowability of all of the claims pending in the present application.

Applicants initially note with appreciation the Examiner's indication that claims 4, 5, 15, and 16 are allowable and that claims 6-11 and 17-22 would be allowable if rewritten in independent form.

Applicants note with appreciation the Examiner's consideration of the documents cited in the Information Disclosure Statement filed in the present application by the return of the initialed and signed copy of the PTO-1449 Form accompanying the Information Disclosure Statement filed herein.

Applicants further note with appreciation the Examiner's acknowledgment of Applicants claim for foreign priority under 35 U.S.C. § 119 and receipt of the certified copies of the priority documents. Applicants also note with appreciation the Examiner's acceptance of the drawings filed March 21, 2001.

In the Official Action, the Examiner has rejected claims 1-3 and 12-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,404,815 to SEKIGUCHI et al.

Applicants respectfully traverse and assert that the rejection is inappropriate at least based the claims and remarks contained herein.

The present disclosed invention includes, inter alia, a coding parameter extraction device that calculates an average value of a quantization parameter for the whole picture. Based on this value, either a filtered picture or reconstructed picture is selected and then used for motion compensation (see first whole paragraph on page 9).

Contrary the present invention, SEKIGUCHI et al. is directed to a different motion compensation process. SEKIGUCHI et al. selects a picture to use based on whether a reference picture is determined to be half-pel or integer pel with a pel determinator (see column 33, lines 15-22 and figure 24). The resulting selection is then either filtered or half-pel interpolated. SEKIGUCHI et al. does not select a picture to use based on an average value of a quantization parameter of the picture.

In particular, claims 1-3 set forth, inter alia, selecting a filtered picture or a reconstructed picture, based on an average value of a quantization parameter of the picture. Similarly, claims 12-14 include, inter alia, means for selecting a picture, based on an average value of a quantization parameter of the picture.

Because the SEKIGUCHI et al. reference fails to disclose each and every element recited in the claims, as noted above, in independent claims 1-3 and 12-14, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102.

Additionally, minor amendments have been made to claims 1-22 in order to improve the language thereof. In these amendments, Applicants have made several changes to the language of the claims to render the same more self consistent, as well as more fully in compliance with U.S. syntax, idiom and grammar. These amendments do not change the scope of the claims but are merely cosmetic changes that give rise to no file wrapper estoppel.

New claims 23-33 add no prohibited new matter and are submitted to be allowable. They are based on original claims 12-22 and do not utilize means plus function terminology. In particular, independent claims 23-25 recite a selector that selects a picture where the selection is based on an average value of a quantization parameter of the picture. Further, new independent claims 26 and 27 are based on claims 15 and 16 which the Examiner has indicated as being allowable.

In view of the fact that none of the art of record, whether considered alone or in any proper combination, discloses or suggests the present invention as defined by the pending claims, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

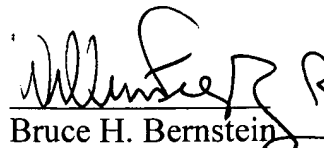
### SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that he has now done so. Applicants have pointed out the specific language of Applicants' claims that define over the references of record and respectfully request an indication to such effect, in due course.

The amendments to the claims made in this amendment that have not been made to overcome the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,  
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